



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICES OF JACOBSON HOLMAN
PROFESSIONAL LIMITED LIABILITY COMPANY
400 SEVENTH STREET, N.W.
WASHINGTON DC 20004

COPY MAILED
OCT 13 2006
OFFICE OF PETITIONS

In re Application of :
Duff :
Application No. 10/779,316 : DECISION ON PETITION
Filed: February 17, 2004 : UNDER 37 CFR 1.181
Attorney Docket No. P69165US1 :
For: CENTER PULL TISSUE DISPENSER
AND RELATED MECHANISM

This is a decision on the petition under 37 CFR 1.181, filed August 9, 2006, to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned due to applicant's alleged failure to timely reply to the non-final Office action mailed November 15, 2005, which set an extendable three month period for reply. The Office contended that this application became abandoned on February 16, 2006. A Notice of Abandonment was mailed on June 20, 2006.

Petitioner asserts that a petition for a three month extension of time with required fee and an amendment were timely received in the Office on May 15, 2006. In support of this assertion, petitioner has provided a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination date stamp, citing May 15, 2006 as the date of receipt, affixed thereto. The postcard lists, *inter alia*, that the filing included authorization to charge \$510.00 to a credit card, a petition for a three month extension of time, and a response to an Office action.


The postcard receipt constitutes *prima facie* evidence that the items listed thereon were received in the Office on May 15, 2006. MPEP 503. Petitioner has provided a copy of the May 15, 2006 correspondence.

A review of the financial records for this application reveals that a \$510.00 three month extension of time fee was charged to a credit card on accounting date May 16, 2006.

It is apparent that a \$510.00 three month extension of time and an amendment were received in the Office on May 15, 2006 and later misplaced. The petition under 37 CFR 1.181 is granted, the holding of abandonment is withdrawn, and the June 20, 2006 Notice of Abandonment is vacated.

After the mailing of this decision, the application file will be returned to Technology Center A.U. 3651 for consideration of the amendment filed on May 15, 2006 and resubmitted with the instant petition on August 9, 2006.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy